

REMARKS

Many of the independent claims have been amended to include subject matter previously set forth in other claims. For example, claims 1, 21 and 40 include features previously included in claims 6, 8, 9, 21, 26, 27, 43, 49, 55 and 58. The dependent claims have been amended so they are consistent with the independent claims. Claim 39 has been canceled because it would have been inconsistent with amended claim 1. Independent claim 48 has been amended to include the requirement for the saliency signal to be derive contemporaneously with the derive picture signals and has been combined with claim 49, previously dependent on claim 48; independent claim 54 has been combined with claim 55, previously dependent on claim 54; and claim 57 has been combined with claim 58, previously dependent on claim 57. Claims 6, 8, 9, 26, 27, 41, 43, 49, 55 and 58 have been canceled so they not redundant with the claims upon which they depend. Claim 60, that is similar to amended claim 48, but does not require the saliency signal to be a compression signal, has been added. Entry of the amendment is in order because the examiner has previously considered all issues associated with the amended claims. Therefore, there is no need for the examiner to conduct a new search or consider new issues.

In the last office action, claims 1, 3, 4, 10-15, 17, 19-21, 23, 24, 28-33, 35, 37-47 and 51-56 were rejected under 35 USC 102(e) as being anticipated by Sisselman, US patent publication 2003/0007079. Applicants traverse this rejection insofar as it relates to claims 44 and 55, the subject matter which is now included in amended claim 54.

Sisselman does not include the requirement of claim 44 for "saliency circuitry for generating an image related second saliency signal in response to the image signal." The office action alleges a pause command generated by Sisselman is the image

related second saliency signal that is generated in response to the image signal. However, the pause command is generated by the operator of the Sisselman camera and is not generated in response to the image signal.

Sisselman does not include the requirement of amended claim 54, previously included in canceled claim 55, for "picture selection circuitry for selectively passing the picture signals in response to the saliency signal, wherein the saliency signal has more than two values." The rejection of claim 55 relies on activating replay button 190 more than two times. However, replay button 190 has nothing to do with selectively passing picture signals. Instead, it relates to replaying video, not passing video, that is, picture signals.

In the previous office action, claims 2, 5-9, 16, 22, 25-27, 34, 48-50 and 57-59 were rejected under 35 USC 103(a) as being unpatentable over Sisselman in view of Fiore et al., US patent publication 2002/0191952. Applicants traverse this rejection insofar as it relates to (1) claim 49, the subject matter which is incorporated in amended claim 48, and (2) claim 58, the subject matter of which is incorporated in amended claim 57. All other pending claims are patentable over the references relied on in the final rejection, for the reasons discussed *infra*.

Amended claim 48 distinguishes over the combination of Sisselman and Fiore et al. by requiring compression circuitry for compressing the picture signals to an extent determined by a saliency signal that is derived contemporaneously with the picture signals, wherein the saliency signal is capable of having more than two values. In this rejection, the office action relies on the Sisselman saliency signal pertaining to the replay mode, wherein the saliency signal alters the amount of replay time based on the number of times replay button 190 is pressed, to provide a saliency signal with more

than two values. However, the replay button has nothing to do with compressing picture signals. In addition, the replay button has nothing to do with compressing picture signals that are derive contemporaneously with a compression signal. In Fiore et al., compression is either on or off. Because the Sisselman replay feature relied on in the office action has nothing to do with compression, one of ordinary skill in the art would not have modified Sisselman to include the foregoing requirement of amended claim 48.

Amended claim 57 distinguishes over Sisselman in combination with Fiore et al. by requiring a memory arranged for selectively retaining images associated with higher saliency levels in a memory in preference to images with lower saliency levels, wherein the saliency signal has more than two values. In this rejection, the office action again relies on the Sisselman saliency signal pertaining to the replay mode, wherein the saliency signals alters the amount of replay time based on the number of times replay button 190 is pressed, to provide a saliency signal with more than two values. However, the replay button has nothing to do with selectively retaining images in a memory, wherein the images associated with higher saliency values are retained in preference to images with lower saliency values. In Fiore et al., image retention is either on or off. Because the Sisselman replay feature relied on in the office action has nothing to do with image retention, one of ordinary skill in the art would not have modified Sisselman to include the foregoing requirement of amended claim 57.

Claim 51, previously rejected as being anticipated by Sisselman, has been amended to indicate the buffer receives input picture signals and has a capacity for the input picture signals in response to a saliency signal, wherein the input picture signals are derived by the camera being selectively activated. The prior rejection of claim 51 relied on replay aspects of the Sisselman reference. As such, amended claim 51 is completely contrary to the relied upon portion of Sisselman.

Each of amended independent claims 1, 21 and 40 requires (1) a saliency signal that (a) can change in value between at least three different discrete values while an image signal is being produced or (b) can have values that are continuously variable while the image signal is being produced and (2) a memory arranged for storing the image signal and the saliency signal. This combination of elements is completely missing from the portions of the references relied on in the office action. To meet the requirements for a saliency signal having more than two values, the office action repeatedly relies on the Sisselman saliency signal pertaining to the replay mode, wherein the saliency signal alters the amount of replay time based on the number of times replay button 190 is pressed. However, Sisselman has no disclosure of such a saliency signal being stored in memory, and there does not appear to be any reason why such a signal would be stored in memory. In Fiore et al., external event source 8, which the examiner equivocates to the claimed salience signal, only has two values, that is, on or off; see paragraph 0041. Neither of the applied references discloses a saliency signal that can have values that are continuously variable while an image signal is being produced. The rejection of claim 21 alleges the Sisselman replay command signal is continuously variable while an image signal is being produced, but provides no rationale to support this conclusion. The Sisselman replay signal is either on or off. The position in the office action concerning multiple activation of the Sisselman replay signal for controlling the position of the storage medium has no bearing on a salience signal that can have values that are continuously variable while an image signal is being produced.

The combination of elements set forth in independent claims 1, 21 and 40 has several advantages, none of which can be obtained from the prior art relied on in the office action. For example, the multivalued saliency signal as set forth in claims 1, 21 and 40 can control the manner in which data are stored at the time of capture. For

example, compression rate and sampling frequency can be controlled in response to such a signal. In addition, the stored multi-valued saliency signal and the stored image signal enable various sophisticated scenarios during subsequent playback of the capture material to be obtained, as discussed in applicants' specification on pages 9-11.

The claims dependent on claims 1, 21 and 40 are allowable for same reasons advanced for the independent claims. In addition, many of these claims include features discussed supra, for example, in connection with claims 44, 48, 54 and 57.

In view of the foregoing amendments and remarks, entry of the amendment and allowance are deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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